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**The Comptroller General  
of the United States**

Washington, D.C. 20548

## Decision

**Matter of:** The Gunneson Group International  
**File:** B-234141.8  
**Date:** May 16, 1989

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### DIGEST

Protest based on agency's alleged failure to solicit protester's offer on a procurement publicized in the Commerce Business Daily (CBD) is untimely where filed more than 10 working days after the closing date for receipt of proposals; synopsis of procurement in the CBD constitutes constructive notice to potential offerors of the solicitation and its contents.

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### DECISION

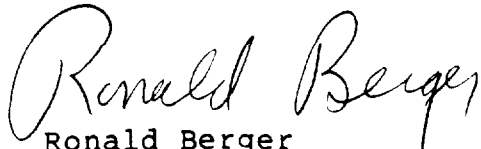
The Gunneson Group International protests the agency's failure to solicit the firm's offer under request for proposals No. 88-2795, issued by the Office of Personnel Management (OPM), for consulting and training services to assist federal agencies in implementing total quality management.

Under our Bid Protest Regulations, a protest must be filed, that is, received in our Office, within 10 working days after the basis of protest first is known or should have been known. 4 C.F.R. § 21.2(a)(2) (1988). OPM advises that the solicitation was synopsized in the Commerce Business Daily (CBD) on July 19, 1988, with a proposal closing date of October 3, 1988 (later extended to October 11). Where a contracting agency has properly synopsized a proposed procurement in the CBD, a potential contractor is on constructive notice of the solicitation and its contents and has a duty to make reasonable efforts to obtain a copy of the solicitation in order to ensure that the firm is included in the competition. Korean Maintenance Co., B-231844, Aug. 1, 1988, 88-2 CPD ¶ 105. Gunneson therefore should have known of the procurement and should have protested its failure to receive a copy of the solicitation, at the latest, within 10 working days after the amended

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closing date of October 11, that is by October 25. As the protest was not filed until May 8, 1989, it is untimely and will not be considered.

The protest is dismissed.

A handwritten signature in cursive script that reads "Ronald Berger". The signature is written in black ink and is positioned above the printed name and title.

Ronald Berger  
Associate General Counsel